

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

CARL G. SIMPSON AND BONNIE REED
SIMPSON, CO-ADMINISTRATORS OF
THE ESTATE OF CARL D. SIMPSON

CASE NO.: 1:00-cv-14

PLAINTIFFS

JUDGE BERTELSMAN

VS.

NATIONAL UNION FIRE
INSURANCE COMPANY OF PITTSBURGH, PA
ADMINISTRATIVE OFFICES
70 PINE STREET
NEW YORK, NY 10270-0150

DEFENDANT

ENTRY

This matter comes before the Court upon Defendant National Union Fire Insurance Company of Pittsburgh, PA's Motion to Bifurcate and Stay Bad Faith Claim and Plaintiff's Motion to Journalize Defendant's claim file:

Court ORDERS as Follows:

1. Defendant National Union Fire Insurance Company of Pittsburgh, PA (hereinafter referred to as "National Union") is ORDERED to maintain the entire insurance claim file for its insured Intermet/Ironton Iron, Inc. (hereinafter referred to as "insured") as it existed at the time of the written denial of the claim, and the claim file shall be "Bates numbered" and will thereafter be considered the entire claims file at the time of the denial. Defendant National Union shall provide Plaintiffs with copies of all denial letters sent to its insured and/or its insured's representatives, redacting any information that would be considered "attorney/client communications" and/or "work product materials".

2. The Court grants the Motion to Bifurcate the bad faith claims and to stay the discovery on those claims shall be granted until such time as the Court has ruled on the underlying breach of contract/declaratory judgment issue in the Plaintiffs' underlying breach of contract claim.

3. The bifurcation of the underlying breach of contract claim and the bad faith claims and the stay of discovery of those bad faith claims shall be terminated at such time as the Court should grant summary judgment and/or declaratory judgment on the Plaintiffs' underlying breach of contract claim.

4. Within thirty (30) days of the date of this Order, the Defendant National Union shall produce and provide a copy of the insured's claim file, as it existed at the time of denial of the claim, to Plaintiffs' counsel, except any documents National Union claims to be "attorney/client communications" and/or "work product materials", identifying by Bates numbers the documents retained any Defendant National Union as classified as "attorney/client communications" and/or "work product materials" as it relates to the stay of discovery in Plaintiffs' bad faith claims.

IT IS SO ORDERED.

JUDGE BERTELSMAN

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